

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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EDWARD S. THURMOND,
Plaintiff,

v.

UNITED WHOLESALE MORTGAGE, LLC;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
Defendants.

Case No. 2:24-cv-01018-GMN-EJY

ORDER

Pending before the Court is Plaintiff's Motion for Leave to Amend Complaint (ECF No. 31), which was filed on August 5, 2024. No response to this Motion was timely filed. Under Local Rule 7-2(d) the Court may treat the failure to oppose a motion as consent by the non-moving party to grant the motion.

Plaintiff's Motion for Leave to Amend attaches two documents. ECF No. 31-1 (Plaintiff's Supplement to original Complaint) and EFC No. 31-2 (Plaintiff's Amended Complaint). The filing of an amended complaint supersedes the original complaint, "the latter being treated thereafter as non-existent." *United States v. Twyman*, Case No. LA CR 07-01142-VBF-4, 2016 WL 4072486, at *1 (C.D. Cal. July 11, 2016) *quoting* *Quezada v. Long*, Case No. ED CV 15-00613, 2016 WL 4063013 (C.D. Cal. July 6, 2016) (further citation omitted). Thus, and in compliance with this well settled law, upon the filing of Plaintiff's Amended Complaint, the original Complaint will be treated as non-existent and, therefore, there is no incorporation of the original Complaint or the Supplement to the original Complaint into the Amended Complaint. The Amended Complaint will be the operative complaint and will stand on its own.

Accordingly, and in the absence of opposition by Defendants, IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to Amend Complaint (ECF No. 31) is GRANTED.

1 IT IS FURTHER ORDERED that the Clerk of Court **must** separate ECF No. 31-2 from ECF
2 No. 31 and file the Amended Complaint for Declaratory Relief, Quiet Title, and Injunctive Relief
3 on the docket of this case as the First Amended Complaint.

4 IT IS FURTHER ORDERED that Defendants' response to the First Amended Complaint is
5 due no later than **September 10, 2024**.

6 Dated this 20th day of August, 2024.

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9 ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE